Information Disclosure Statement filed on June 9, 2005. Attached for the Examiner's convenience is a copy of the translation, as well as a dated stamped postcard receipt acknowledging receipt of the translation by the Patent Office. Accordingly, Applicant respectfully requests that the Examiner consider the documents cited in the Information Disclosure Statement filed on June 9, 2005, in view of the entire translated German language search report and indicate that such consideration has occurred.

The Office Action has rejected claims 3, 6-8, 11 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. US 2002/0013646 to Nishizaki et al. ("Nishizaki") in view of U.S. Patent No. 6,324,445 to Tozu et al. ("Tozu"). This ground of rejection is respectfully traversed.

The combination of Nishizaki and Tozu does not render Applicant's claim 3 unpatentable because the combination does not disclose or suggest all of the elements of Applicant's claim 3. For example, the combination of Nishizaki and Tozu does not disclose or suggest that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3.

Nishizaki discloses a motor vehicle steering system for controlling driving of a steering mechanism of a motor vehicle. (Abstract). When a braking mechanism is actuated and a speed difference between wheels is greater than a predetermined value, the steering angle is adjusted. (Figure 3 and paragraph 0060). However, as acknowledged in the Office Action, Nishizaki does not disclose that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3.

The Office Action relies upon Tozu to remedy the above-identified deficiency of Nishizaki. Specifically, the Office Action relies upon the zero point of Tozu as providing different amplification factors for braked and unbraked driving conditions. Tozu discloses that the zero point setting device (ZS) sets a temporary zero point when it is determined that the vehicle is in a stopped state, as determined by a parking switch being in an on state. (Figure 4, step 202). Tozu recognizes that when "the vehicle is on a ferryboat, or the vehicle is on a rotating turntable, the yaw rate sensor YS is swung or rotated, while it is in a stopped state relative to the vehicle, thereby to cause an error in the output of the sensor YS." (Col. 4, lines 25-29). To avoid this error, Tozu employs a zero point correcting device ZA, which corrects the zero point on the basis of the temporary zero point, in response to a deviation calaculated by the deviation calculating device YD and the vehicle speed detected by the vehicle speed detecting device VS. (Col. 4, lines 40-45). Because Tozu discloses that the temporary zero point is set when a parking switch is activated, and the correction of the zero point is for situations where there vehicle is rotated, such as on a ferryboat or a rotating turntable where the vehicle will be in a stopped state, it appears that Tozu discloses that the zero point is always based on a braked condition. In contrast, the amplification factors of Applicant's claim 3 are different for *braked* and *unbraked* conditions.

Additionally, as discussed during the personal interview, and shown in Fig. 4, step 210, the zero point is *subtracted* from the measured yaw rate to provide that actual yaw rate. It is respectfully submitted that one of ordinary skill in the art would not have interpreted the zero point, which is subtracted from the measured yaw rate, as an *amplification factor* as recited in Applicant's claim 3.

Moreover, Applicant's claim 3 recites that the control signal is formed by a different amplification factor "in the event of a controlled braking operation." Tozu does not disclose that the zero point is formed "in the event of a controlled braking operation."

Because Nishizaki and Tozu both do not disclose different amplification factors for a controlled braking operation and an unbraked condition , the combination of Nishizaki and Tozu does not disclose or suggest that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3, and therefore does not render claim 3 unpatentable.

Independent claim 7 recites "at least one amplification factor has a value that varies as a function of whether or not a vehicle braking operation is currently activated." Accordingly, for similar reasons to those discussed above with regard to claim 3, the combination of Nishizaki and Tozu does not render Applicant's claim 7 obvious.

Independent claim 11 recites "using at least one amplification factor," and "varying a value of said amplification factor as a function of whether or not a vehicle braking operation is currently activated." Accordingly, for at least those reasons discussed above with regard to claim 3, the combination of Nishizaki and Tozu does not render Applicant's claim 11 obvious.

Claims 6, 8 and 12 variously depend from claims 3, 7, or 11. Accordingly, for the reasons stated above with regard to claims 3, 7, and 11, claims 6, 8 and 12 are patentably distinguishable over the combination of Nishizaki and Tozu.

In addition, Applicant's claim 8 and 12 recite an additional features that are not disclosed or suggested by the combination of Nishizaki and Tozu. Specifically, claims 8 and 12 recite "the value of the at least one amplification factor varies further as a function of whether an *automatic braking intervention* is currently occurring." However, Nishizaki and Tozu, either alone or in combination, do not disclose or suggest the use of a different amplification factor when automatic braking intervention is occurring, and therefore claims 8 and 12 are not rendered obvious by the combination of Nishizaki and Tozu for this additional reason.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 3, 6-8 and 11-12 as allegedly being unpatentable over Nishizaki in view of Tozu be withdrawn.

The has rejected Office Action claims 3, 6-8, 11 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishizaki in view of U.S. Patent No. 6,155,655 to Matsuno ("Matsuno"). This ground of rejection is respectfully traversed.

The combination of Nishizaki and Matsuno does not render Applicant's claim 3 unpatentable because the combination does not disclose or suggest all of the elements of Applicant's claim 3. For example, the combination of Nishizaki and Matsuno does not disclose or suggest that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3.

As acknowledged in the Office Action, Nishizaki does not disclose that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3.

Instead, the Office Action cites Matsuno to remedy the above-identified deficiency of Nishizaki. The Office Action relies upon the yaw rate gain of Matsuno as corresponding the amplification factor recited in Applicant's claim 3. As illustrated in equation 1 of Matsuno, the yaw rate gain is calculated based on the wheelbase of the vehicle L, the stability factor of the vehicle A_o, and the vehicle speed V. However, as discussed during the interview, Matsuno does not mention that the yaw rate gain should be different in the braking condition verses the non-braking condition, only that yaw rate gain varies based on vehicle speed.

The Response to Arguments section of the Office Action specifically references col. 6 lines 14-48 and 61-67 of Matsuno as allegedly disclosing that "yaw rate gain or factor is determined based on the yaw rate deviation based on the conditions where there is braking and when there is no braking (i.e., vehicle is driving)." However, there is nothing in this section which discloses or suggests the use of different amplification factors for braked and unbraked conditions. This issue was raised by Applicant's representative during the personal interview, but no explanation of how this cited section relates to Applicant's claims was provided. Accordingly, if this ground of rejection is maintained, Applicant respectfully requests that the next communication from the Patent Office include a detailed explanation of the relevance of the cited section to the rejected claims..

The Response to Arguments section of the Office Action also references column 13 of Matsuno as allegedly disclosing "where the coefficient is determined based on braking condition and nonbraking (driving, i.e., vehicle speed) condition." However, Applicant's claim 3 recites different amplification factors for a controlled braking operation and an unbraked condition. The mere disclosure of the use of vehicle speed by Matsuno, by itself does not disclose or suggest the use of different amplification factors for a controlled braking operation and an unbraked condition. Again, this issue was raised by Applicant's representative during the personal interview, but no explanation of how this cited section relates to Applicant's claims was provided. Accordingly, if this ground of rejection is maintained, Applicant respectfully requests that the next communication from the Patent Office include a detailed explanation of the relevance of the cited section to the rejected claims..

Because Nishizaki and Matsuno both do not disclose different amplification factors for a controlled braking operation and an unbraked condition, the combination of Nishizaki and Matsuno cannot does not disclose or suggest that "in the event of a controlled braking operation, the control signal is formed by means of at least one amplification factor that differs from an amplification factor that is used in the unbraked driving condition," as recited in Applicant's claim 3, and therefore does not render claim 3 unpatentable.

Independent claim 7 recites "at least one amplification factor has a value that varies as a function of whether or not a vehicle braking operation is currently activated." Accordingly, for the reasons discussed above with regard to claim 3, the combination of Nishizaki and Matsuno does not disclose or suggest all the elements of Applicant's claim 7.

Independent claim 11 recites "using at least one amplification factor," and "varying a value of said amplification factor as a function of whether or not a vehicle braking operation is currently activated." Accordingly, for similar reasons to those discussed above with regard to claim 3, the combination of Nishizaki and Matsuno does not disclose or suggest all the elements of Applicant's claim 11.

Claims 6, 8 and 12 variously depend from claims 3, 7, or 11. Accordingly, for the similar reasons to those discussed above with regard to claims 3, 7, and

11, claims 6, 8 and 12 are patentably distinguishable over the combination of Nishizaki and Matsuno.

In addition, Applicant's claim 8 and 12 recite an additional features that are not disclosed or suggested by the combination of Nishizaki and Matsuno. Specifically, claims 8 and 12 recite "the value of the at least one amplification factor varies further as a function of whether an *automatic braking intervention* is currently occurring However, Nishizaki and Matsuno, either alone or in combination, do not disclose or suggest the use of a different amplification factor when automatic braking intervention is occurring, and therefore claims 8 and 12 are not rendered obvious by the combination of Nishizaki and Matsuno for this additional reason.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 3, 6-8 and 11-12 as allegedly being unpatentable over Nishizaki in view of Matsuno be withdrawn.

The Office Action states that 4-5, 9-10, 13 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishizaki in view of Tozu or Matsuno, and further in view of U.S. Patent No. 5,386,365 to Nagaoka ("Nagaoka"). This ground of rejection is respectfully traversed.

As discussed above, the combination of Nishizaki and Tozu, and the combination of Nishizaki and Matsuno do not disclose or suggest all the elements of Applicant's claims 3, 7, and 11. It is respectfully submitted that Nagaoka does not remedy the above-identified deficiencies of the combinations of Nishizaki and Tozu, or Nishizaki and Matsuno with regard to Applicant's claims 3, 7 and 11. Hence, the combination of Nishizaki, Tozu and Nagaoka, or Nishizaki, Tozu, and Nagaoka cannot render Applicant's claims 3, 7 and 11 obvious.

Claims 4-5, 9-10, 13 and 14 variously depend from claims 3, 7, or 11. Accordingly, these claims are patentably distinguishable over Nishizaki in combination with Tozu and Nagaoka, or Nishizaki in combination with Matsuno and Nagaoka.

For at least those reasons stated above, it is respectfully requested that the rejection of claim 4-5, 9-10 and 13-14 as allegedly being unpatentable over the combination of Nishizaki, Tozu and Nagaoka, or Nishizaki, Matsuno and Nagaoka be withdrawn.

All outstanding rejections have been addressed. It is respectfully submitted that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.52614US).

Respectfully submitted,

Date: November 23, 2005

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German Patent and Trademark Office · 80297 Munich

BMW AG
Patent Department, AJ-3
80788 Munich

Munich, December 6, 2002
Tel.: (0 89) 2195 3206
Applicant/Holder: Bayerische Motoren Werke AG

Your Ref.: AJ-36/GS-hb/12858

Your Petition of: August 23, 2001
for a search under §43 of the Patent Act

Please include application number and applicant/holder in all correspondence and payments

Application No.: 101 41 274.6

Search Report

A. Classification of the object of the application according to the International Patent Classification (IPC)

IPC 07
B 62 D 6/00
B 62 D 5/04

B. Fields searched

Class/Group	Examiner	Patent Department
B 62 D 6/00	MATTHIAS GRAF	21
B 62 D 6/00		

A search was conducted in the following databases:

Name of the database and hosts:

DEPATIS

The search in the German Patent and Trademark Office was based on the patent literature of the following countries and organizations:

Germany (DE, DD), Austria, Switzerland, France, Great Britain, United States, Japan (abstracts), former USSR (abstracts), European Patent Office, WIPO.

Classes/groups listed in section A but not mentioned explicitly in section B were either included in a database search going beyond the IPC or were used only for documentation and information. A search was conducted with the result given in section C in classes/groups listed in section B but not mentioned in section A.

C. Result of the search of publications

Cat.	Publications Found	Explanatory notes	Pertaining to Claims	IPC/Sources
Y	DE 198 30 190 A1	Claims 1, 13, 23	1,2	
Y	DE 198 12 238 A1	Claims 1, 8, 9, 11	1-6	
Y	DE 197 16 987 A1	Claims 2, 4	1	
Y	DE 196 36 920 A1	Claim 1	1-6	B 62 D 6/00
Y	DE 195 07 319 A1	Column 3, lines 3-18	1-3	

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700 010 54
Routing No.:
700 000 00

Train connection in the Munich Traffic and Transportation Association (MVV): →
Zweibrückenstrasse 12 (main building)
Zweibrückenstrasse 5-7 (Breiterhof):
S1-S8 Isartor station
Cincinnatistrasse
S2 Stop Fasangarten
Bus 95-99 (Giesing S Station)
Cincinnatistrasse station

Application no.: 101 41 274.6

Cat.	Publications Found	Explanatory notes	Pertaining to Claims	IPC/Sources
Y	DE 43 00 844 A1	Abstract	1-6	
Y	DE 42 08 404 A1	Claims 1, 2, 5	1-6	
Y	DE 40 38 079 A1	Claims 1-9	1-6	

D. The German Patent and Trademark Office does not have the following literature or citations:

The search cannot include the state of the art cited by the applicant since the German Patent and Trademark Office does not have access to this document. If there are plans to file a motion for examination under §44 of the [German] Patent Act, the applicant is instructed to submit a copy of this literature for the examination file.

E. Date of conclusion of the search **November 28, 2002**

Thoroughness of the findings:

There is no guarantee for the thoroughness of the findings of the relevant publications or for the accuracy of the categories cited (§43, paragraph 7, sentence 1 of the [German] Patent Act and/or §7, paragraph 2 of the Utility Model Act in combination with §43, paragraph 7, sentence 1 of the [German] Patent Act).

Posting date of the search report

Attachments: 9

Patent Department 1.11
Search Directorate Office
[stamp:] German Patent and Trademark Office

Explanatory Notes on Section C Result of the Search of Publications

Column: Cat(egory)

Explanation of abbreviations:

X: Documents that cast doubt on the novelty or inventive merit (§ 43 of the Patent Act)/ inventive step (§ 7 of the Utility Model Act) when considered alone

Y: Documents that cast doubt on the existence of inventive merit (§ 43 of the Patent Act)/ an inventive step (§ 7 of the Utility Model Act) when considered together with other documents

A: General state of the art, technological background

O: Unwritten disclosure, e.g., in a document published later referring to an oral disclosure made public prior to the filing date or priority date

P: Documents published prior within the priority interval

T: Documents published later and not in conflict with the application but pertaining to and/or potentially useful in better understanding the theory on which the invention is based or showing that the principle or theory underlying the invention might be wrong

E: Older patent documents under § 3, para. 2 of the Patent Act (in searches under § 43 of the Patent Act); earlier patent applications or utility model applications under § 15 of the Utility Model Act (in searches under § 7 of the Utility Model Act)

D: Documents already cited in the patent application (in searches under § 43 of the Patent Act); publications already cited in the patent application or the utility model (in searches under § 7 of the Utility Model Act)

L: Documents cited for other reasons, e.g., for publication of a prior art document or when there are doubts about priority

Column: Explanatory notes

The notes given in the search method and the relevant citations are listed separately from the cited publication in this column. The abbreviations and symbols used in citing a publication are explained below:

Veröff. [Pub.]: Publication date of a publication within the priority interval

=: Publications traced back to the same original application ("patent families") or referred to in reports or abstracts

In citation of classes/groups without mentioning specific publications, the following symbol is used:

"-": None found

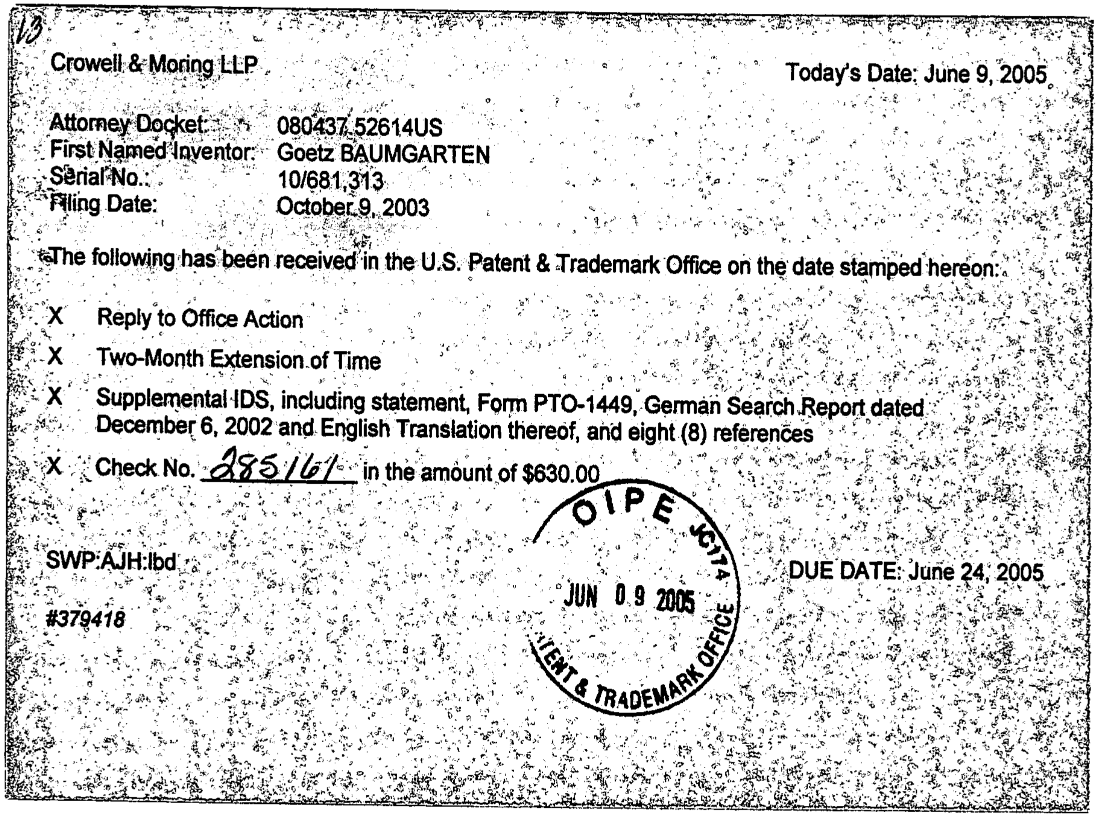
Column: Pertaining to claims

The claims are listed here with assignment to the comments mentioned in the "notes" column.

Reference to Patent Literature:

The patent literature cited may be inspected in the exhibition building of the German Patent and Trademark Office at Zweibrückenstrasse 12, 80331 Munich or at Gitschiner Strasse 97, 10969 Berlin. German patent publications, examined or unexamined patent publications and to some extent also patent literature from other countries can also be accessed in the patent information centers. A list of these patent information centers can be obtained from the German Patent and Trademark Office and from a few private companies.

Online searches of patent publications from all over the world that are in the database of the internal German Patent Information System known as DEPATIS are available at no cost at http://www.depatis.net.



13

Crowell & Moring LLP

Today's Date: June 9, 2005

Attorney Docket: 080437.52614US
First Named Inventor: Goetz BAUMGARTEN
Serial No.: 10/681,313
Filing Date: October 9, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

X Reply to Office Action

X Two-Month Extension of Time

X Supplemental IDS, including statement, Form PTO-1449, German Search Report dated December 6, 2002 and English Translation thereof, and eight (8) references

X Check No. 285161 in the amount of $630.00

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SWP:AJH:lbd

DUE DATE: June 24, 2005

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